

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DAVID ATTALI,

Plaintiff,

- against -

CITY OF NEW YORK, P.O. CHRISTOPHER
DELBROCOLO, P.O. JOSEPH BENEDUCE, P.O.
BRENDAN SULLIVAN, P.O. PHILLIP MIRANDA, P.O.
"JOHN" DRUMMY, DEPUTY INSPECTOR KEVIN
BURKE, SGT. ALEX PORCELLI, SGT. FELIX SANTANA,
and LT. DAVID CHANG, Sued In Their Individual And
Official Capacities,

Defendants.
-----X

**DECLARATION OF
CHRISTOPHER F.
BELLISTRI**

15-cv-00426 (AT) (HBP)

CHRISTOPHER F. BELLISTRI declares under penalty of perjury, pursuant to 28
U.S.C. § 1746, that the following statements are true and correct:

1. I am an attorney duly admitted to practice law in the United States District Court
for the Southern District of New York. I am a partner in the law office of Avallone & Bellistri,
LLP, attorneys for Plaintiff David Attali in the above-captioned action.

2. I am fully familiar with all of the facts stated and statements made herein, and I
make this Declaration in opposition to the motion for summary judgment made by Defendant
City of New York (hereinafter the "City") and Defendants Deputy Inspector Burke, Sergeant
Alex Porcelli, Sergeant Felix Santana, and Lieutenant David Chang (collectively referred to as
the "Supervisory Officer Defendants").

3. It is respectfully submitted that copious genuine issues of material fact
predominate in this case which is ripe for trial.

4. Annexed to this Declaration are the following Exhibits which shall be referred to in the accompanying Memorandum of Law In Opposition to the Motion For Summary Judgment of Defendant City and the Supervisory Officer Defendants:

Exhibit “A” Deposition Transcripts (CD)

- Attali Deposition Transcript (11/14/16)
- Attali Deposition Transcript (5/15/17)
- Barton Deposition Transcript
- Beneduce Deposition Transcript
- Burke Deposition Transcript
- Collazzo Deposition Transcript
- Delbrocolo Deposition Transcript
- Hamilton Deposition Transcript
- Horan Deposition Transcript
- Miranda Deposition Transcript
- Myrie Deposition Transcript
- Porcelli Deposition Transcript
- Santana Deposition Transcript
- Soto Deposition Transcript
- Sullivan Deposition Transcript

Exhibit “B”: Texts, Audio, Video, and Photographs (CD)

Exhibit “C”: Documentation Re. Transfer Requests

Exhibit “D”: Federal Complaint

Exhibit “E”: Plea Agreements

Exhibit “F”: Decision and Order – Docket Nos. 93, 97, 103

Exhibit “G”: Recording of 6/2/14 Phone Conversation Between Soto and Attali (CD)

Exhibit “H”: 8/4/14 OEEO Investigative Report

Exhibit “I”: 5/28/14 OEEO Investigating Officer’s Report

Exhibit “J”: IAB Summary of EEO Case

Exhibit “K”: 5/28/14 Email From Conry to Soto

Exhibit “L”: 5/30/14 OEEO Investigating Officer’s Report

Exhibit “M”: 6/25/14 Email from Attali to Burke

Exhibit “N”: WTCC Log Book Entries (CD)

Exhibit “O”: IAB File Re. Capt. Myrie

Exhibit “P”: Decision and Order – Docket No. 80

Exhibit “Q”: Sampling of Job Applications

Exhibit “R”: Relevant Patrol Guide Procedures

Pursuant to the Court’s Individual Practices, each deposition transcript is being submitted in its entirety, in a one-page-per-sheet format, along with a courtesy copy in electronic, text-searchable format to the Court on a CD.

WHEREFORE, Plaintiff David Attali respectfully requests that this Honorable Court deny, in its entirety, Defendant’s Motion For Summary Judgment, and grant such other and further relief as this Court deems just and proper.

Dated: Lake Success, New York
November 17, 2017


CHRISTOPHER F. BELLISTRI